

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William P. Van Antwerp and Poonam Gulati  
Title: STABILIZING CATHETER FOR PROTEIN DRUG DELIVERY  
Appl. No.: 10/035,831  
Filing Date: 12/28/2001  
Examiner: Laura A. BOUCHELLE  
Art Unit: 3763  
Confirmation No.: 1788

**DECLARATION OF INVENTORS  
UNDER 35 U.S.C. 103(C)**

As a below-named inventor, I hereby declare as follows:

1. I am submitting this Declaration in support of the accompanying "Amendment and Request for Reconsideration Under 37 C.F.R. § 1.116."
2. I am a co-inventor in the above-referenced patent application.
3. At the time that the invention of the above-referenced application was made, I was under an obligation to assign the invention to Medtronic-Minimed and subsequently signed an Assignment document to formalize that Assignment. The Assignment document is attached as Exhibit 1 hereto. I have been informed that the Assignment document of Exhibit 1 has been recorded with the Assignment Branch of the U.S. Patent and Trademark Office, on April 23, 2002 at Reel 012818, Frame 0727.
4. I have been informed that U.S. Patent No. 5,702,372 was assigned of record to Medtronic Inc.

5. I have been informed that Medtronic, Inc. acquired MiniMed Inc., prior to the present invention, as shown on the Securities And Exchange Commission's Form 8-K/A Amendment No. 1 document attached as Exhibit 2.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

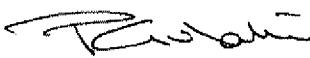
Date 7-23-07



William P. Van Antwerp  
Inventor

and

Date 8/5/07



Poonam Gulati  
Inventor

# **EXHIBIT 1**



JUNE 24, 2002

PTAS

Chief Information Officer  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

FOLEY & LARDNER  
TED R. RITTMMASTER  
2029 CENTURY PARK E.  
LOS ANGELES, CA 90067-3000



\*102068143A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/23/2002

REEL/FRAME: 012818/0727  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

VAN ANTWERP, WILLIAM P.

DOC DATE: 04/01/2002

ASSIGNEE:

GULATI, POONAM

DOC DATE: 04/03/2002

ASSIGNEE:

MEDTRONIC-MINIMED, INC.  
18000 DEVONSHIRE STREET  
NORTHRIDGE, CALIFORNIA 91325-1219

SERIAL NUMBER: 10035831  
PATENT NUMBER:

FILING DATE: 12/28/2001  
ISSUE DATE:

VIOLET MCCOY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595 (modified)

(Rev. 6-93)

APR 23 2002

RECOR

04-26-2002



102068143

U.S. DEPARTMENT OF COMMERCE

SET

Patent and Trademark Office

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

## 1. Name of conveying party(ies):

William P. Van Antwerp  
Poonam Gulati

4-23-02

## 2. Name and address of receiving party(ies):

Medtronic-MiniMed, Inc.  
18000 Devonshire Street  
Northridge, California 91325-1219

Additional conveying party(ies) NO

## 3. Nature of conveyance:

ASSIGNMENT

## Execution Date:

April 1 and 3, 2002

Additional name(s) &amp; address(es) attached? NO

## 4. Application number(s) or patent number(s): 10/035,831

If this is being filed together with a new application, the execution date of the application is:

## A. Patent Application Number(s):

10/035,831

## B. Patent Number(s):

Additional numbers attached? NO

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Ted R. Rittmaster  
FOLEY & LARDNER  
2029 Century Park East  
Los Angeles, California 90067-3000

6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

 Check Enclosed

Charge to deposit account

8. Deposit account number: 50-0872

DO NOT USE THIS SPACE

## 9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Ted R. Rittmaster

April 15, 2002

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 6

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40.00 FP

## ASSIGNMENT

Attorney Docket No. 047711-0273

(1-3) *Insert Name(s) of Inventor(s)*

(1) WILLIAM P. VAN ANTWERP  
(2) POONAM S. GULATI

In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(4) *Insert name of Assignee*

(4) MEDTRONIC MINIMED, INC.

(5) *Insert state of Incorporation of Assignee*

(5) Delaware

(6) *Insert address of Assignee*

(6) of 18000 Devonshire Street, Northridge, CA 91325-1219  
(hereinafter designated as the Assignee) the entire worldwide right, title and interest in the invention known as

(7) *Insert identification of Invention, such as Title, Case Number or Foreign Application Number*

(7) STABILIZING CATHETER FOR PROTEIN DRUG DELIVERY  
for which the undersigned has (have) executed an application for patent in the United States of America

(8) *Insert Date of Signing of Application*

(8) on April 1, 2002

1) The undersigned agree(s) to execute all papers necessary in connection with an application in any country of the world and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not execute, any agreement in conflict herewith.

6) The undersigned hereby appoints:

Paul H. Kovelman, Reg. No. 35,228  
Cary Talbot, Reg. No. 47,123  
Vivian Shin, Reg. No. 43,919  
Richard K. Yoon, Reg. No. 42,247

all of the firm of Foley & Lardner:

Ted R. Rittmaster, Reg. No. 32,933  
Irvin C. Harrington, III, Reg. No. 44,740

the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date April 1, 2002 Signature of Inventor

W P Van C  
William P. Van Antwerp

State of California

County of Los Angeles

On this April 1, 2002, before me, Lynnette M. Molloy, a Notary Public, personally appeared William P. Van Antwerp, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Lynnette M. Molloy  
Notary Public



Date: \_\_\_\_\_ Signature of Inventor P Gulati  
Poonam S. Gulati

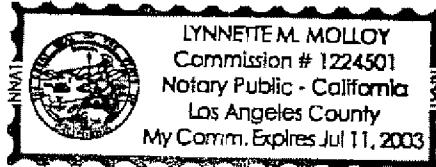
State of California

County of Los Angeles

On this April 1, 2002, before me, Lynnette M. Molloy, a Notary Public, personally appeared Poonam S. Gulati, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Lynnette M. Molloy  
Notary Public



ACCEPTANCE:

The undersigned, MEDTRONIC MINIMED, INC., a Delaware corporation, hereby declares that it has accepted the foregoing assignment.

SIGNED AND SEALED this 3<sup>rd</sup> day of April, 2002.

ASSIGNEE:

MEDTRONIC MINIMED, INC.,  
a Delaware Corporation

By: E. Geismar

Name: Eric P. Geismar

Title: Vice President and Senior Counsel

State of California

County of Los Angeles

On this April 3, 2002, before me, Christine Pineiro, a Notary Public, personally appeared Eric P. Geismar, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS, my hand and official seal.

Christine Pineiro  
Notary Public



## **EXHIBIT 2**

8-K/A 1 a2062728z8-ka.htm FORM 8-K/A

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## SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

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### FORM 8-K/A Amendment No. 1

**Current Report Pursuant  
to Section 13 or 15(d) of the  
Securities Exchange Act of 1934**

Date of report (Date of earliest event reported) **August 28, 2001**

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**Medtronic, Inc.**  
(Exact Name of Registrant as Specified in Its Charter)

**Minnesota**  
(State of Other Jurisdiction of Incorporation)

**1-7707**  
(Commission File Number)

**41-0793183**  
(I.R.S. Employer Identification No.)

**710 Medtronic Parkway  
Minneapolis, Minnesota**  
(Address of Principal Executive Offices)

**55432**  
(Zip Code)

**(763) 514-4000**  
(Registrant's Telephone Number, Including Area Code)

**Not Applicable**  
(Former Name or Former Address, if Changed Since Last Report)

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This current Report on Form 8-K/A amends Items 2 and 7 of the Registrant's Current Report on Form 8-K, filed September 5, 2001, to provide subsequent information relating to the MiniMed Inc. ("MiniMed") and Medical Research Group, Inc. ("MRG") acquisitions and amended financial statements for MRG required by Item 7.

#### Item 2. Acquisition or Disposition of Assets

On August 28, 2001, Medtronic, Inc. (the "Registrant") acquired all of the outstanding stock of MiniMed through a merger of a newly-created subsidiary of the Registrant into MiniMed. Pursuant to the merger, the shareholders of MiniMed received \$48 for each of the approximately 64.9 million shares of MiniMed Common Stock outstanding at the time of the merger. In

Prepared by MERRILL CORPORATION

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addition, the Registrant assumed an aggregate of approximately 2.7 million outstanding MiniMed stock options, each of which were converted into an option to purchase 1.074 shares of the Registrant's Common Stock.

In a separate but related transaction, the Registrant acquired all of the outstanding stock of MRG through a merger of a newly-created subsidiary of the Registrant into MRG. Pursuant to the merger, the shareholders of MRG received an aggregate of approximately \$397.7 million in cash in exchange for the shares of MRG Common Stock outstanding at the time of the merger.

The sources of the funds used to complete the acquisitions described above initially included cash on hand and the proceeds of a short term loan to the Registrant from Bank of America, N.A.

On September 17, 2001, the Registrant completed its private placement of \$2.0125 billion principal amount of its 1.25% Contingent Convertible Debentures due September 15, 2021. The Debentures are convertible in certain circumstances, at the holders' option, into shares of the Registrant's common stock initially at a conversion price of \$61.81 per share, subject to adjustments under certain circumstances.

The net proceeds from the issuance of the Debentures were used to repay a substantial portion of the short term loan with Bank of America, N.A. The Debentures have not been registered under the Securities Act, or any state securities laws and, unless so registered, may not be offered or sold in the United States except pursuant to an exemption from, or in a transaction not subject to, registration requirements of the Securities Act and applicable securities laws.

A copy of the press release announcing the closing of this transaction is filed as Exhibit 99.1 to this Form 8-K/A.

MiniMed is the world leader in the design, development, manufacture and marketing of advanced medical systems for the treatment of diabetes. MRG is a private corporation that designs and develops implantable technologies related to pumps and sensors used primarily for the treatment of diabetes.

#### Item 7. Financial Statements, Pro Forma Financial Information and Exhibits

(a) *Financial Statements of Business Acquired:*

Unaudited financial statements for MRG for the quarters ended March 30, 2001 and June 29, 2001, as amended, are attached hereto as Exhibits 99.6 and 99.7, respectively.

(b) *Pro Forma financial information:*

The pro forma financial information has been updated to reflect changes made to MRG's financial statements, completion of valuation procedures related to the fair values of assets acquired and liabilities assumed, and to present pro forma information for Medtronic's quarter ended July 27, 2001. The pro forma financial information is attached hereto as Exhibit 99.8.

(c) *Exhibits:*

See Exhibit Index on page following Signatures.

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#### SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

MEDTRONIC, INC.

Date: November 13, 2001

By /s/ ROBERT L. RYAN

Robert L. Ryan  
*Senior Vice President and Chief  
 Financial Officer*

SECURITIES AND EXCHANGE COMMISSION  
 Washington, DC 20549

EXHIBIT INDEX

to

FORM 8-K/A

MEDTRONIC, INC.

Exhibit Number	Exhibit Description
2.1	Amended and Restated Agreement and Plan of Merger dated as of June 19, 2001 by and among MiniMed Inc., Medtronic, Inc. and MMI Merger Sub, Inc. (incorporated by reference to Exhibit 2.1 of MiniMed's Quarterly Report on Form 10-Q for the quarterly period ended June 29, 2001)
2.2	Amended and Restated Agreement and Plan of Merger dated as of July 27, 2001 by and among Medical Research Group, Inc., Jaguar Merger Corp. and Medtronic, Inc. (incorporated by reference to Exhibit 2.2 in Medtronic, Inc.'s Current Report on Form 8-K, dated September 5, 2001)
4.1	Rights Agreement, dated as of October 26, 2000, between Medtronic, Inc. and Wells Fargo Bank Minnesota, National Association, including as Exhibit A thereto the form of Certificate of Designations, Preferences and Rights of Series A Junior Participating Preferred Shares of Medtronic, Inc.; and Exhibit B the form of Preferred Stock Purchase Right Certificate (incorporated by reference to Exhibit 4.1 in Medtronic, Inc.'s Report on Form 8-K, including the exhibits thereto, dated November 3, 2000).
4.2	Indenture dated as of September 11, 2001 between Medtronic, Inc. and Wells Fargo Bank, N.A.
4.3	Registration Rights Agreement dated as of September 11, 2001, among Medtronic, Inc., Goldman Sachs & Co., Banc of America Securities LLC and Morgan Stanley & Co. Incorporated
23.1	Consent and Report of Deloitte & Touche LLP
23.2	Consent and Report of Deloitte & Touche LLP
99.1	Press release dated September 17, 2001
99.2	Audited Consolidated Financial Statements of MiniMed (incorporated by reference to MiniMed's Annual Report on Form 10-K for the year ended December 29, 2000)
99.3	Unaudited Consolidated Financial Statements of MiniMed for the quarterly period ended March 30, 2001 (incorporated by reference to MiniMed's Quarterly Report on Form 10-Q for the quarterly period ended March 30, 2001)
99.4	Unaudited Consolidated Financial Statements of MiniMed for the quarterly period ended June 29, 2001 (incorporated by reference to MiniMed's Quarterly Report on Form 10-Q for the quarterly period ended June 29, 2001)
99.5	Audited Financial Statements of MRG as of December 31, 1999 and 2000, and for each of the two years ended December 31, 1999 and 2000 (incorporated by reference to Exhibit 99.5 in Medtronic, Inc.'s Current Report on Form 8-K, dated September 5, 2001)
99.6	Unaudited Financial Statements of MRG as of and for the quarterly period ended June 29, 2001, as amended
99.7	Unaudited Financial Statements of MRG as of and for the quarterly period ended March 30, 2001, as amended
99.8	Pro Forma Financial Information of the Registrant